

WDN:SLR:dm 4/23/04 267976.doc
PATENT

Attorney Reference Number 4239-56113
Application Number 09/676,718

Remarks

Claims 51-53, 64, 67-77 and 80-83 were pending. By this amendment, claims 64, 67-69, and 82-83 are canceled. Therefore, claims 51-53, 70-77, 80, and 81 are pending.

Support for the claim amendments to claim 51 can be found throughout the specification, for example, original claims 64, 67, 69, and 82. Claim 80 was amended to clarify the claim.

35 U.S.C. § 112, first paragraph

Claim 82 was rejected under 35 U.S.C. § 112, first paragraph on the ground that the specification does not provide support for the phrase "lymph node cell." Claim 82 has been cancelled, thereby making this rejection moot.

Claims 51-53, 64, 67-77 and 80-83 were rejected under 35 U.S.C. § 112, first paragraph on the ground that the specification only provides adequate written description for SEQ ID NO: 4. It appears that the references in the first full paragraph on page 5 of the Office action should refer to SEQ ID NO: 4, instead of SEQ ID NO: 1. In addition, it appears that claim 64 was incorrectly rejected here. Claim 64 refers to a 15 kDa selenoprotein comprising SEQ ID NO: 4, and the examiner indicates adequate description is provided for the polypeptide of SEQ ID NO: 4 (page 5). Although Applicants respectfully disagree, in order to expedite prosecution, claim 51 has been amended to remove the percent identity language.

Claims 51-53, 64, 67-77 and 80-83 were rejected under 35 U.S.C. § 112, first paragraph on the ground that the specification only provides enablement for determining if a subject has prostate cancer, ovarian cancer, fallopian tube cancer, or lymphoma. Although Applicants respectfully disagree, in order to expedite prosecution, claim 51 has been amended to clarify that the cancer is prostate cancer, ovarian cancer, fallopian tube cancer, or lymphoma.

In view of these amendments, Applicants request that the 35 U.S.C. § 112, first paragraph rejections be withdrawn, and that a Notice of Allowance be issued.

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If there are any minor issues that need to be resolved prior to issuing a Notice of Allowance,
the Examiner is invited to telephone the undersigned.

Respectfully submitted,

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